

IN THE SENATE

SENATE BILL NO. 1139

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO LOCAL LAND USE PLANNING; REPEALING SECTION 67-6514, IDAHO CODE, RELATING TO EXISTING ZONING OR SUBDIVISION ORDINANCES; AND AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6514, IDAHO CODE, TO PROVIDE FOR THE EFFECT ON ZONING WHEN PART OF A PARCEL IS TAKEN OR PURCHASED FOR RIGHT-OF-WAY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section [67-6514](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 65, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6514, Idaho Code, and to read as follows:

67-6514. WHEN PART OF PARCEL IS TAKEN OR PURCHASED FOR RIGHT-OF-WAY. For purposes of applying any statute, zoning ordinance or land development regulation, existing development on any parcel or any subdivided lot that conforms to zoning requirements at the time of acquisition of right-of-way from such parcel by exercise of the authority of eminent domain, or by negotiated purchase as an alternative to eminent domain, shall thereafter be treated as conforming for zoning purposes, so long as said acquisition does not encompass more than ten percent (10%) of the land area within any such developed site. Existing permitted uses may be sustained following any such qualifying acquisition, and future expansion of uses on any site so affected shall consider the existing use as conforming for purposes of future development on the affected site. Future development or expansion on such developed parcels must comply with ordinance provisions in effect at the time of such future development or expansion, recognizing the development in place as conforming. It shall be the landowner's obligation to demonstrate entitlement to the benefit of this section.